

Application No. 09/263,801
Attorney Docket No. SGUS0007 - 12013US02

REMARKS

The present application includes claims 2-30 and 37-51. Claims 21-23, 28-30, 37-39, and 42-50 were allowed. Claims 2-20, 24-27, 40-41, and 51 were rejected. By this Amendment, claims 4 and 41 have been amended.

Claims 2-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Dawson, U.S. Patent No. 5,594,490.

Claims 8-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of Thacker, U.S. Patent No. 6,011,548.

Claims 14-20, and 51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of Thacker in further view of Willis, U.S. Patent No. 6,385,647.

Claims 40-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of the UPS Web Tracking Application and Thacker.

We now turn to the rejection of claims 2-7 under 35 U.S.C. §102(b) as being anticipated by Dawson, U.S. Patent No. 5,594,490.

In the most recent Office Action, on page 2, the Examiner asserts that claims 2-7 are not allowable because Dawson teaches "TCP/IP ACKs." More specifically, the Examiner asserts "Dawson discloses at column 6, lines 55-64, column 7, lines 9-30, the use of TCP/IP ACKs." However, a review of the indicated sections reveals that the term

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"TCP/IP ACKs" does not actually appear. Further, from a text search of the entire Dawson reference, it can be confirmed that the term "TCP/IP ACKs" does not appear anywhere in Dawson.

Consequently, because Dawson does not actually recite "TCP/IP ACKs", the sole element that the Examiner indicated as forming the basis for maintaining the rejection, the Applicant respectfully submits that claims 2-3 are allowable. Further discussion of Dawson and the specifics of claims 2-3 appears below.

With regard to independent claim 4, claim 4 has been amended to include a limitation similar to one appearing in allowed claim 21. Specifically, that the push-pull media server computer includes an affiliate address book maintenance application and that the push-pull media system is adapted to transfer the affiliate address book to one of the plurality of affiliate computer systems. As indicated by the Examiner in the most recent Office Action, the identified limitation is not taught by the prior art. Consequently, the Applicant respectfully submits that claim 4 is allowable.

Turning now to a more detailed discussion of Dawson, Dawson teaches a system for distributing files from a central location to a plurality of cable headends. As shown in Figures 1 and 2 and described beginning at Col. 5, Line 15, Dawson teaches a distribution location 3 including a storage area 7 and a transmitter server (TS) 9. The TS 9 retrieves files from the storage area 7 and then segments the files into a plurality of data packets in accordance with the TCP/IP protocol, as described at Col. 6, Lines 37-45.

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The TCP/IP packets travel to the satellite uplink facility 25 and are transmitted using the satellite 31 to a plurality of cable headends 5. The cable headends 5 includes a receiver server (RS) 39 that examines the TCP/IP packets to determine if any of the packets include an error, as described at Col. 9, Lines 42-47. If a TCP/IP packet includes an error, RS 39 uses the modem 45 to send a notice of the failed packet back to the distribution location 3 as described at Col. 9, Lines 60-65. The distribution location 3 may then retransmit the packet using either the satellite or the modem.

Col. 5, Lines 45-67, describes the control methodology for selecting which files to transmit to the headends. Specifically, Dawson describes that the COPY instruction may come from an operator or from "traffic and billing software" (Col. 5, Lines 54-55). However, Dawson does not describe the operation of any such software. Further, Dawson teaches that all desired files are already stored on the hard drive storage 7 and does not teach any system for updating the contents of the had drive 7.

Turning now to Figure 4 of the present application, Figure 4 illustrates a producer 12 and a delivery server 16. The delivery server 16 includes media file storage for storage of media files. Media files may be pulled from the media storage and transmitted to receivers via a satellite. Consequently, while some broad parallels may be drawn in some instances between the delivery server 16 and the central distribution location 3 of Dawson, Dawson does not teach anything like the producer 12 of the present application.

In the present application, as described beginning at page 18, the producer 12 aggregates at least one file and at least one address list into a package. The package

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comprises an envelope and at least one file. The envelope for the package is passed to the mailman software agent 83 at the delivery server 16. The files for the package are passed to the hard disk 91 on the delivery server.

Additionally, as described at page 19, the mailman agent 83 reads the envelope, determines the related files and confirms that the files are available at the delivery server 16. The mailman agent 83 then e-mails the envelope to all of the clients 92-96. If the client is a satellite affiliate 20, then the package (including both the envelope and the files) is also transmitted via satellite.

As described beginning on page 22, the clients include a polling agent 108 that automatically calls the delivery server either according to a schedule or in response to a "tickle" or triggering communication from the delivery server. The triggering communication may be the delivery server dialing the client's modem, allowing the modem to ring twice, and then hanging up. Once the polling agent 108 contacts the delivery server 16, the delivery server confirms whether the client 20 has received all the files it was supposed to receive. If the client 20 has not received a file, then the file is sent via FTP to the client 20.

Dawson does not teach the use of a "tickle" or triggering communication to cause a remote client to access the delivery server and download information. Additionally, Dawson does not teach that information to be delivered to affiliates is enclosed in a package and that the package includes an envelope portion having addressing information.

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Turning now to the claims, the present rejection encompasses independent claims 2, 3, and 4. Claims 2-3 were previously amended to include the limitation that the affiliate computers pull information from a media server in response to a triggering communication from a media server. Consequently, independent claims 2-3 and their respective dependent claims 5-6 are respectfully submitted to be allowable.

As noted above, claim 4 has been amended to include a limitation that the Examiner found was not taught in the art. Consequently, claim 4 and its respective dependent claim 7, are respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 8-13 under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of Thacker. As discussed above, claims 2-4 are respectfully submitted to be allowable. Claims 8-13 depend from claims 2-4 and are consequently also respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 14-20, and 51 under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of Thacker in further view of Willis. As discussed above, claims 2-4 are respectfully submitted to be allowable. Claims 14-20, and 51 depend from claims 2-4 and are consequently also respectfully submitted to be allowable.

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The Applicant now turns to the rejection of claims 24-30 under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of the UPS Web Tracking Application. As discussed above, claims 2-4 are respectfully submitted to be allowable. Claims 24-30 depend from claims 2-4 and are consequently also respectfully submitted to be allowable.

The Applicant now turns to the rejection of claims 40-41 under 35 U.S.C. §103(a) as being unpatentable over Dawson in view of the UPS Web Tracking Application and Thacker. Claim 40 depends from claim 26, which in turn depends from claim 4, which was respectfully submitted to be allowable. Consequently, claim 40 is also respectfully submitted to be allowable.

With regard to independent claim 41, claim 41 has been amended to include a limitation similar to one appearing in allowed claim 21. Specifically, that the push-pull media server computer includes an affiliate address book maintenance application and that the push-pull media system is adapted to transfer the affiliate address book to one of the plurality of production computer systems. As indicated by the Examiner in the most recent Office Action, the identified limitation is not taught by the prior art. Consequently, the Applicant respectfully submits that claim 41 is allowable.

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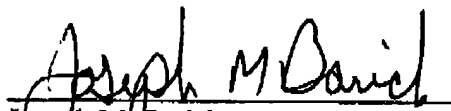
CONCLUSION

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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